



# Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13<sup>th</sup> Avenue South, St. Petersburg, Florida 33701-5505

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## NOAA Fisheries Reopens the Public Comment Period on the Proposed Rule for the Aquaculture Plan for Federal Waters of the Gulf of Mexico

NOAA Fisheries is reopening the public comment period on the proposed rule for the Gulf of Mexico Fishery Management Council's Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico (Aquaculture Plan) that published on August 28, 2014 (79 FR 51424). The original comment period closed on October 27, 2014. NOAA Fisheries received several requests from the public to extend the original comment period of the proposed rule. Due to the extensive nature of the Aquaculture Plan and the proposed rulemaking, NOAA Fisheries is reopening the comment period on the proposed rule for 15 days. An announcement of the reopening of the comment period published in the *Federal Register* on November 13, 2014 (79 FR 67411). The new comment period ends on November 28, 2014. Comments submitted during the original comment period will be incorporated into the public record and will be fully considered during the preparation of the final rule.

### Background

Prior to the Aquaculture Plan, an exempted fishing permit was required to conduct aquaculture in federal waters. Since exempted fishing permits are of limited duration, they are not the best option for commercial aquaculture operations. The purpose of this rulemaking is to establish a regional permitting process to manage the development of an environmentally-sound and economically-sustainable aquaculture industry in federal waters of the Gulf of Mexico (Gulf). A maximum of twenty Gulf aquaculture permits over a period of 10 years could be issued under this proposed rule.

### The proposed rule would:

- Establish Gulf aquaculture permit requirements, eligibility, and transferability.
- Establish application requirements, operational requirements, and restrictions for Gulf Aquaculture permits.
- Establish Gulf aquaculture permit duration and renewal periods.
- Specify allowable species for aquaculture purposes.
- Evaluate proposed aquaculture systems on a case-by-case basis.
- Establish marine aquaculture siting requirements and conditions.
- Create a restricted access zone around each aquaculture facility where no fishing may occur and no fishing vessels may operate in or transit through (unless they possess a copy of the facilities' aquaculture permit onboard).
- Establish recordkeeping and reporting requirements.
- Establish biological reference points (e.g., *maximum sustainable yield* which is the total yield harvested by all aquaculture operations in a given year), annual catch limit and accountability measures, and status determination criteria (e.g., overfishing and overfished status) for aquaculture operations.
- Specify procedures for modifying biological reference points and management measures for offshore marine aquaculture in the Gulf.

Other information on the Gulf aquaculture permit is also discussed in the Aquaculture Plan. If this rulemaking is implemented, the administrative functions associated with it (e.g., registration and account setup, landing transactions, and most reporting requirements) are intended to be accomplished online via the aquaculture Web site. A participant must have access to a computer and Internet access and must set up an appropriate online aquaculture account to participate.

## Request for Comments

You may submit comments on the proposed rule, identified by "NOAA-NMFS-2008-0233" by any of the following methods:

- Electronic Submissions: Submit electronic public comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2008-0233>, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to Jess Beck-Stimpert, Southeast Regional Office, NOAA Fisheries, 263 13th Avenue South, St. Petersburg, FL 33701.

Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA Fisheries. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be

publicly accessible. NOAA Fisheries will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of the Aquaculture Plan, which includes a final programmatic environmental impact statement, an initial regulatory flexibility analysis, and a regulatory impact review may be obtained from the Southeast Regional Office Web site at <http://sero.nmfs.noaa.gov>.

Comments must be received by November 28, 2014, to be considered by NOAA Fisheries in its decision on the final rule. All comments received by NOAA Fisheries specific to the proposed rule will be addressed in the final rule.

This bulletin provides only a summary of the information regarding the existing regulations. Any discrepancies between this bulletin and the regulations as published in the *Federal Register* will be resolved in favor of the *Federal Register*.

